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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/910,676

07/20/2001

Adam Geoffrey Kerrison

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04/21/2008

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EXAMINER

LAZARO, DAVID R

ART UNIT

PAPER NUMBER

2155

MAIL DATE

DELIVERY MODE

04/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/910,676	Applicant(s) KERRISON ET AL.	
	Examiner DAVID LAZARO	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 11 October 2007.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-21 and 23-25 is/are pending in the application.

 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) 25 is/are allowed.

6) ☒ Claim(s) 1-21 and 23-24 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the RCE filed 10/11/2007.
2. Claims 1, 3-4 and 25 were amended.
3. Claims 22 and 26 are canceled.
4. Claims 1-21 and 23-25 are pending in this office action.

Response to Amendment

5. The examiner notes that the amendments to claims 1, 3 and 4 include the language "the condition **may be...**" (emphasis added). The language "may be" essentially presents the subject matter in the alternative such that it is not necessarily required for the invention overall. Applicant should consider using more explicit language.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-21 and 23-24 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

8. Each of the independent claims were amended to include the limitation “the condition may be a primitive even, a database even or a temporal event” (from claim 1, similar subject matter in each independent). However, this subject matter is not sufficiently described in the specification. Particularly, it is not clear how a type of event, such as primitive, database or temporal, can be a detected condition. Based on for example, pages 10-13 of the specification, it seems that a condition is evaluated based on an event occurring. Particularly note page 11, line 15, which states the model for triggers is “event, evaluate, condition, action”. Clearly an event is distinct from a condition, and it is not clear as to how a condition can be an event in the manner claimed. For these reasons, claims 1-21 and 23-35 fail to comply with the written description requirement.

Allowable Subject Matter

9. Claim 25 is allowed.

10. The following is a statement of reasons for the indication of allowable subject matter: In addition to applicant’s remarks (10/11/07), the primary reasons for allowance of claim 25 is the inclusion of the following limitations in a system for handling even data from monitored sites in a computer network:

“ means for communicating a message, if the trigger is set, in accordance with the event data to at least one customer location that has subscribed to receive the event data, and storing the event data in a data store at the monitoring location, the trigger being in response to a primitive event, a database event or a temporal event;

means for inserting the event data into the event database thereby producing central data; and means for transmitting the central data to each of the monitored sites;

wherein each of the monitored sites includes locally-generated event data and a replica of the central data;

wherein a union of the locally-generated event data and the central data is formed at each of the monitored sites; and

wherein the monitored sites update one another when the event data of one of said monitored sites changes.”

This subject matter is not found in the prior art, nor is it obvious in view of the prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID LAZARO whose telephone number is (571)272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David Lazaro
April 14, 2008